

FILED  
CHARLOTTE, NC  
NOV 18 2013

US District Court  
Western District of NC

1

1

1

1

3

1

1

—

—

Case 3:13-cr-00263-RJC-DCK Document 78 Filed 11/18/13 Page 1 of 3

- Digital scales and electric mixer seized from 2014 Angler Way, Gastonia, North Carolina on or about June 27, 2013;
- One 2010 Lincoln MXS, VIN 1LNHL9ERXAG611325
- One Verizon cellular telephone and one LG cellular telephone seized from 2014 Angler Way, Gastonia, North Carolina on or about June 27, 2013

2. The United States Marshals Service, the investigative agency, and/or the agency contractor is authorized to take possession and maintain custody of the above specific asset(s).

3. If and to the extent required by Fed. R. Crim. P. 32.2(b)(6), 21 U.S.C. § 853(n), and/or other applicable law, the United States shall publish notice and provide direct written notice of forfeiture.

4. Any person, other than the Defendant, asserting any legal interest in the property may, within thirty days of the publication of notice or the receipt of notice, whichever is earlier, petition the court for a hearing to adjudicate the validity of the alleged interest.

5. Pursuant to Fed. R. Crim. P. 32.2(b)(3), upon entry of this order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of the property, including depositions, interrogatories, and request for production of documents, and to issue subpoenas pursuant to Fed. R. Civ. P. 45.

6. As to any specific assets, following the Court's disposition of all timely petitions, a final order of forfeiture shall be entered. If no third party files a timely petition, this order shall become the final order of forfeiture, as provided by Fed. R. Crim. P. 32.2(c)(2), and the United States shall have clear title to the property, and shall dispose of the property according to law.

The parties stipulate and agree that the aforementioned asset(s) constitute property derived from or traceable to proceeds of Defendant's crime(s) herein or property used in any manner to facilitate the commission of such offense(s) and are therefore subject to forfeiture pursuant to 18 U.S.C. § 924(d), 21 U.S.C. § 853 and/or 28 U.S.C. § 2461(c). The Defendant hereby waives the requirements of Fed. R. Crim. P. 32.2 and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment against Defendant. If the Defendant has previously submitted a claim in response to an administrative forfeiture proceeding regarding any of this property, Defendant hereby withdraws that claim. If Defendant has not previously submitted such a claim, Defendant hereby waives all right to do so. As to any firearms listed above and/or in the charging instrument, Defendant consents to destruction by federal, state, or local law enforcement authorities upon such legal process as they, in their sole discretion deem

to legally sufficient, and waives any and all right to further notice of such process or such destruction.

ANNE M. TOMPKINS  
UNITED STATES ATTORNEY

Mam K. Vicks FOR  
ANN CLAIRE PHILLIPS, ESQ.  
Assistant United States Attorney

Kenneth Maurice Pressley  
KENNETH MAURICE PRESSLEY  
Defendant

Lucky Theophilus Osho  
LUCKY THEOPHILUS OSHO, ESQ.  
Attorney for Defendant

Signed this the 18<sup>th</sup> day of November, 2013.

D. C. B.  
UNITED STATES Magistrate JUDGE